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IN THE U.S. PATENT & TRADEMARK OFFICE

Applicants: KARWATH et al.

Serial #: 09/ 719,440

Attorney Docket: 870-003-128

Filed: 12 DEC. 2000

Title: DEVICE WITH AN ELECTROMOTOR

Examiner: Rita Leykin Art Unit: 2837

APPLICANTS' STATEMENT UNDER 35 C.F.R. § 1.608(a)

Commissioner for Patents  
Washington, D.C. 20231

AUG. 26, 2002

Sir:

Responsive to the First Action of 25 FEB. 2002, the term for response to which was extended (by Petition & \$ 900 check mailed 23 AUG. 2002) to MONDAY, 26 AUG. 2002, please be advised as follows:

The PCT International Filing Date of the present application, **10 JUNE 1999**, which is the effective U.S. filing date for interference purposes, is **less than 3 months after** the effective filing date (**13 APR. 1999**) of NAIR U.S.P. 6,318,965. Applicants KARWATH et al. are entitled to a judgment relative to the patentee, Rajesh Nair, on the bases (inter alia) that PCT/EP99/03992 is entitled to priority of German application DE 198 26 458, filed **13 JUNE 1998** and that the KARWATH et al. invention was made in Germany, a W.T.O. country, even **prior to 13 JUNE 1998**.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service as first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date shown below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

*Milton Oliver*

Milton Oliver, Reg. No. 28,333

AUG. 26, 2002  
DATE

An extension fee of \$ 900 was previously submitted,  
so no additional fee is believed necessary at this time. If any  
extension or additional fee is necessary, please construe this  
paper as a Petition therefor, and charge the fee  
to Deposit Account 23-0442.

Respectfully submitted,

*Milton Oliver*

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Att. Docket No. 870-003-128

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